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| 09/838,135 | 04/20/2001 | Raymond E. Suorsa | 200704494-1 | 9527 |

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| EXAMINER |
|---|
| HOSSAIN, TANIM M |

| ART UNIT | PAPER NUMBER |
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| 2445 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | Application No. | Applicant(s) |
|---|---|---|---|
| **Office Action Summary** | | 09/838,135 | SUORSA ET AL. |
| | | Examiner | Art Unit | |
| | | Tanim Hossain | 2445 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>30 July 2009</u>.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1,2 and 4-65</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2 and 4-65</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some *  c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)                4)☐ Interview Summary (PTO-413)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)           Paper No(s)/Mail Date. _____.

3)☐ Information Disclosure Statement(s) (PTO/SB/08)               5)☐ Notice of Informal Patent Application

    Paper No(s)/Mail Date _____.                                6)☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1, 2, and 4-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Black (U.S. 2002/116485) in view of Official Notice.

As per claim 1, Black teaches a method for automated provisioning of computer

networks, comprising the steps of: receiving, by a network device to be provisioned, at least one

unsolicited provisioning command, sent by a secure provisioning network connected via a

network to the network device, to be executed on said network device (paragraphs 0410-0411,

0419-0422, 0110-0112); reading, by said provisioning network, parameters of said network

device from a network database, said reading being responsive to an inquiry based on the at least

one command and received from said network device (paragraphs 0165-0167, 0230-0231);

determining, by said provisioning network, whether the at least one command can be properly

executed on said network device based upon the parameters read (paragraphs 0236-0237); and

executing the at least one command on said network device only if it is determined that the at

least one command can be properly executed (paragraphs 0236-0237). While suggested, Black

does not per se disclose that the unsolicited provisioning command is a software retrieval

command.  Official Notice is taken that it would have been obvious to per se disclose a specific

software retrieval command, as software retrieval is common in device provisioning.  Further,

Black teaches the provisioning of devices with templates, which also suggests the concept of

software retrieval.  As such, the per se disclosure of a software retrieval would have been

obvious, given its suggestion with respect to the provisioning taking place in Black.

As per claim 2, Black teaches the method of claim 1, wherein the at least one command is

executed by an agent on said network device, the agent being configured to manipulate all of the

software on the network device (0191-0193).

As per claim 4, Black teaches the method of claim 1, further comprising verifying the

validity of the command by requesting verification from the secure provisioning network (0307-

0308).

As per claim 5, Black teaches the method of claim 4, wherein the step of verifying is

accomplished by way of communicating with a communication gateway of the secure

provisioning network (0165-0167).

As per claim 6, Black teaches the method of claim 1, wherein the step of determining is

based on reading software packaging parameters (0165-0167).

As per claim 7, Black teaches the method of claim 6, wherein the software packaging

parameters comprise compatibility requirements (0165-0167, 0431).

As per claim 8, Black teaches the method of claim 6, wherein the software packaging

parameters comprise software roles (0165-0167, 0431).

As per claim 9, Black teaches the method of claim 7, wherein the compatibility

requirements comprise software roles compatibility requirements (0165-0167, 0431).

As per claim 10, Black teaches the method of claim 6, wherein the software packaging parameters comprise operating system (OS) parameters (0165-0167, 0431).

As per claim 11, Black teaches the method of claim 7, wherein the compatibility requirements comprise operating system (OS) compatibility requirements (0165-0167, 0431).

As per claim 12, Black teaches the method of claim 6, wherein the software packaging parameters comprise parameters regarding specific customer account requirements (0165-0167, 0431).

As per claim 13, Black teaches the method of claim 7, wherein the compatibility requirements comprise requirements regarding specific customer account compatibility (0165-0167, 0431).

As per claim 14, Black teaches the method of claim 8, wherein the software roles comprise customer account software roles (0474).

As per claim 15, Black teaches the method of claim 9, wherein the software roles compatibility requirements comprise customer account software roles compatibility requirements (0165-0167, 0431, 0474).

As per claim 16, Black teaches the method of claim 6, wherein the software packaging parameters comprise device parameters (0165-0167, 0431, 0474).

As per claim 17, Black teaches the method of claim 16, wherein the device parameters comprise device interface parameters (0165-0167, 0431, 0474).

As per claim 18, Black teaches the method of claim 17, wherein the device interface parameters comprise device internet protocol (IP) address parameters (0165-0167, 0431, 0474).

As per claim 19, Black teaches the method of claim 17, wherein the interface parameters comprise interface type parameters (0165-0167, 0431, 0474).

As per claim 20, Black teaches the method of claim 16, wherein the device parameters comprise interface components parameters (0165-0167, 0431, 0474).

As per claim 21, Black teaches the method of claim 16, wherein the device parameters comprise memory components parameters (0165-0167, 0431, 0474).

As per claim 22, Black teaches the method of claim 16, wherein the device parameters comprise storage components parameters (0165-0167, 0431, 0474).

As per claim 23, Black teaches the method of claim 16, wherein the device parameters comprise central processing unit (CPU) parameters (0251).

As per claim 24, Black teaches the method of claim 7, wherein the compatibility requirements comprise device compatibility requirements (0165-0167, 0431, 0474).

As per claim 25, Black teaches the method of claim 24, wherein the device compatibility requirements comprise interface compatibility requirements (0165-0167, 0431, 0474).

As per claim 26, Black teaches the method of claim 25, wherein the interface compatibility requirements comprise IP compatibility requirements (0165-0167, 0431, 0474).

As per claim 27, Black teaches the method of claim 25, wherein the interface compatibility requirements comprise interface type compatibility requirements (0165-0167, 0431, 0474).

As per claim 28, Black teaches the method of claim 24, wherein the device compatibility requirements comprise interface components compatibility requirements (0165-0167, 0431, 0474).

As per claim 29, Black teaches the method of claim 24, wherein the device compatibility requirements comprise memory components compatibility requirements (0165-0167, 0431, 0474).

As per claim 30, Black teaches the method of claim 24, wherein the device compatibility requirements comprise storage components compatibility requirements (0165-0167, 0431, 0474).

As per claim 31, Black teaches the method of claim 24, wherein the device compatibility requirements comprise central processing unit (CPU) components compatibility requirements (0251).

As per claim 32, Black teaches the method of claim 8, wherein software roles compatibility requirements comprise device roles compatibility requirements (0501).

As per claim 33, Black teaches the method of claim 9, wherein the software roles comprise device roles (0165-0167, 0431, 0474).

As per claim 34, Black teaches the method of claim 6, wherein the software packaging parameters comprise application packaging parameters (0165-0167, 0431, 0474).

As per claim 35, Black teaches the method of claim 7 wherein the compatibility requirements comprise application compatibility requirements (0165-0167, 0431, 0474).

As per claim 36, Black teaches the method of claim 8, wherein the software roles comprise application software roles (0165-0167, 0431, 0474).

As per claim 37, Black teaches the method of claim 36, wherein the application software roles define a group of services (0165-0167, 0431, 0474).

As per claim 38, Black teaches the method of claim 9, wherein the software roles compatibility requirements comprise application roles compatibility requirements (0165-0167, 0431, 0474).

As per claim 39, Black teaches the method of claim 38, wherein the application roles compatibility requirements define a group of services (0165-0167, 0431, 0474).

As per claim 40, Black teaches the method of claim 6, wherein the software packaging parameters relate to a variety of network service tiers (0186).

As per claim 41, Black teaches the method of claim 7, wherein the compatibility requirements are defined according to a variety of network service tiers (0186).

As per claim 42, Black teaches the method of claim 6, wherein the software packaging parameters are defined by way of configuration parameters.

As per claim 43, Black teaches the method of claim 42, wherein the configuration parameters comprise device configuration parameters (0165-0167, 0431, 0474).

As per claim 44, Black teaches the method of claim 42, wherein the configuration parameters comprise interface configuration parameters.

As per claim 45, Black teaches the method of claim 42, wherein the configuration parameters comprise virtual IP address parameters (0165-0167, 0431, 0474).

As per claim 46, Black teaches the method of claim 42, wherein the configuration parameters comprise component type parameters (0165-0167, 0431, 0474).

As per claim 47, Black teaches the method of claim 42, wherein configuration parameters comprise role configuration parameters (0165-0167, 0431, 0474).

As per claim 48, Black teaches the method of claim 47, wherein the role configuration parameters comprise device role configuration parameters (0165-0167, 0431, 0474).

As per claim 49, Black teaches the method of claim 48, wherein the device role configuration parameters comprise device role history configuration parameters (0165-0167, 0431, 0474).

As per claim 50, Black teaches the method of claim 7, wherein the compatibility requirements comprise configuration compatibility requirements (0165-0167, 0431, 0474).

As per claim 51, Black teaches the method of claim 50, wherein the configuration compatibility requirements comprise device configuration compatibility requirements (0165-0167, 0431, 0474).

As per claim 52, Black teaches the method of claim 50, wherein the configuration compatibility requirements comprise interface configuration compatibility, requirements.

As per claim 53, Black teaches the method of claim 50, wherein the configuration compatibility requirements comprise virtual IP address compatibility requirements (0165-0167, 0431, 0474).

As per claim 54, Black teaches the method of claim 50, wherein the configuration compatibility requirements comprise component type configuration compatibility requirements (0165-0167, 0431, 0474).

As per claim 55, Black teaches the method of claim 50, wherein the configuration compatibility requirements comprise role configuration compatibility requirements (0165-0167, 0431, 0474).

As per claim 56, Black teaches the method of claim 55, wherein the role configuration compatibility requirements comprise device role configuration compatibility requirements (0165-0167, 0431, 0474).

As per claim 57, Black teaches the method of claim 56, wherein the device role configuration compatibility requirements comprise device role history configuration compatibility requirements (0165-0167, 0431, 0474).

As per claim 58, Black teaches the method of claim 1, wherein the step of executing the at least one command is limited to entities having an approved access level to execute the at least one command (0480).

As per claim 59, Black teaches the method of claim 58, wherein the access to execute the at least one command is defined in an access control list (ACL) (0480).

As per claim 60, Black teaches the method of claim 58, wherein the access control list ACL is defined by domain name server (DNS) address of the network device (0165-0167, 0431, 0474).

As per claim 61, Black teaches the method of claim 58, wherein the entity executing the at least one command comprises an agent (0165-0167, 0431, 0474).

As per claim 62, Black teaches the method of claim 61 wherein the access to the agent is limited according to domain name server (DNS) address of the network device (0424).

As per claim 63, Black teaches the method of claim 9, wherein the software roles compatibility requirements relate to an IP address of the network device (0165-0167, 0431, 0474).

As per claim 64, Black teaches the method of claim 9, wherein the software roles

compatibility requirements relate to IP address compatibility requirements (0165-0167, 0431,

0474).

As per claim 65, Black teaches the method of claim 1, wherein the step of determining is

based upon an identification of a virtual local area network (VLAN) with which said network

device is associated (0165-0167, 0431, 0474).

### *Response to Remarks*

Applicant's remarks filed on July 30, 2009 have fully been considered and are

respectfully traversed by the new grounds of rejection.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action.  In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The

examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivek Srivastava can be reached on 571/272-7304. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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